UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CONSORZIO DEL PROSCIUTTO DI SAN DANIELE	:	
v.	:	**C.A. No. 07-039ML**
DANIELE, INC.	:	

AMENDED MOTION TO STAY DISCOVERY

On January 9, 2008, defendant, Daniele, Inc. (hereinafter "defendant") filed a motion to stay under LR CV 7.2. Defendant's counsel was under the mistaken belief that the court had adopted Rule 7.2 pertaining to emergency nondispositive motions. Upon discovering that the rule was not adopted, defendant is amending its filing to comport with LR CV 7 pertaining to motions and is attaching the required motion and memorandum of law

Defendant hereby moves to stay discovery on Counts II and III of the multi-count Complaint filed by plaintiff, Consorzio del Prosciutto Di San Daniele (hereinafter "plaintiff"). Based on this court's ruling on plaintiff's motion for partial summary judgment and the court's finding relative to paragraph 5 of the Settlement Agreement dated March 25, 2005, judicial economy and the time and expense of the litigants would justify this court's exercise of its equitable power to stay discovery on Count II and Count III of the Complaint.

For the reasons set forth in the attached memorandum of law, defendant is proposing that discovery be limited to Count I of the Complaint (breach of contract) and an expedited hearing be held on that count.

Defendant refers this court to the attached memorandum of law in support of its motion to stay.

Defendant, Daniele, Inc.
By its Attorneys,

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CERTIFICATION

The undersigned hereby certifies that this document has been filed electronically on this 22nd day of January, 2008, and is available for viewing and downloading to the ECF registered counsel of record:

Via Electronic Service/ECF:

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CERTIFICATION

The undersigned hereby certifies that a true copy of the within document was forwarded on this 22nd day of January, 2008, via first class mail, postage pre-paid, to the following counsel of record:

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